

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

168TH AND DODGE and RED	)	
DEVELOPMENT OF WEST DODGE,	)	
	)	
Plaintiffs,	)	8:03CV171
	)	
v.	)	
	)	ORDER
RAVE REVIEWS CINEMAS,	)	
	)	
Defendant.	)	
	)	

This matter is before the court on plaintiffs' objection to the bill of costs and appeal of costs assessed by the clerk of court. Filing Nos. 435 and 443. The defendants initially requested \$16,742.54, Filing Nos. 430, 431 and 432, and later reduced this amount by \$584.15. Filing No. 436, note 3. The clerk of court awarded costs in the amount of \$16,158.39. Filing Nos. 441 and 442. The plaintiffs argue that such items as expedited transcripts, rough drafts of depositions, computer disks of depositions and copies of discovery depositions, and costs for airfare and hotel expenses are not recoverable. Plaintiffs request the court reduce the taxation of costs in this case to \$8,285.51. Defendant has filed an objection to the request for modification of costs. Filing No. 449.

This court is required to review the determination of the clerk of court. Fed. R. Civ. P. 54(d)(1). The court has carefully reviewed the determination by the clerk of court, the briefs and arguments of the parties, the indices of evidence, the Bill of Costs Handbook, and the relevant law. The court finds the determinations made by the clerk of court are accurate and the objections by the plaintiffs shall be overruled.

THEREFORE, IT IS ORDERED:

1. The plaintiffs' motion to review and modify taxation of costs, Filing No. 443, is denied;
2. Defendant's objection to modification of costs, Filing No. 449, is granted;
3. The taxation of costs by the Clerk of Court, Filing Nos. 441 and 442, is adopted in its entirety.

DATED this 17th day of July, 2006.

BY THE COURT:

s/ Joseph F. Bataillon

JOSEPH F. BATAILLON

United States District Judge